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COUNSEL FARNAN OF RECORD	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TIMOTHY SCOTT FARNAN,

Plaintiff,

vs.

CENTRAL INTELLIGENCE  
AGENCY, et al.,

Defendants.

3:08-CV-0463-LRH (VPC)

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

October 27, 2008

This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

**I. BACKGROUND, DISCUSSION & CONCLUSION**

On August 27, 2008, plaintiff *in pro se* filed a request to proceed *in forma pauperis* (#1). The court found plaintiff's declaration in support of his application to proceed *in forma pauperis* insufficient for the court to act on the application (#4).

On September 26, 2008, this court entered an order requiring plaintiff to complete and file a standard form application to proceed *in forma pauperis* which the court provided to plaintiff with the order (#4). The court ordered plaintiff to file the completed application to proceed *in forma pauperis* no later than Friday, October 17, 2008. *Id.* The court cautioned plaintiff that failure to file the completed application to proceed *in forma pauperis* would result in a report and recommendation to the District Court that this case be dismissed. *Id.*

Plaintiff has failed to file the completed application to proceed *in forma pauperis* and has not requested additional time in which to do so. Therefore, this court recommends that plaintiff's case be **DISMISSED** without prejudice.

1 The parties are advised:

2 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the  
3 parties may file specific written objections to this report and recommendation within ten days of  
4 receipt. These objections should be entitled "Objections to Magistrate Judge's Report and  
5 Recommendation" and should be accompanied by points and authorities for consideration by the  
6 District Court.

7 2. This report and recommendation is not an appealable order and any notice of appeal  
8 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

9 **II. RECOMMENDATION**

10 **IT IS THEREFORE RECOMMENDED** that the district court enter an order  
11 **DISMISSING** plaintiff's complaint without prejudice.

12 DATED: October 27, 2008.

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14 UNITED STATES MAGISTRATE JUDGE  
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